FINDINGS OF FACT AND CONCLUSIONS OF LAW

.

The Petitioners herein request a variance from Section 409.4 (A) to permit a driveway 10 feet wide instead of the required 20 feet, as more particularly described on Petitioners' Exhibit 1.

The Petitioners, The Baltimore Rigging Company, Tenant, 18 Old Padonia Road Partnership, Legal Owner, by E.A. Haynes, President, appeared and was represented by Na. / E. Paige, Esquire. Also appearing on behalf of the Petitioners was martin Kaiser, III, and appearing as an interested party was Phyllis Friedman, Esquire. There were no Protestants.

Testimony indicated that the subject property, known as 18 Old Padonia Road, consists of .438 acres +/-, zoned M.L., and is improved with. a residential style building converted to a Class A office building.

Nancy E. Paige, Esquire, proffered on behalf of the Petitioners and stated that the Petitioners are desirous of utilizing the subject building for low intensity office use associated with the Baltimore Rigging Company. Testimony in case No. 90-14-A, which was incorporated herein, indicated that the Petitioner, The Baltimore Rigging Company's trucks will not be visiting the site nor will any materials be stored at this location. Ms. Paige testified that the subject site is currently landscaped with mature trees and shrubs, and that denial of the requested variance will require

the removal of a substantial portion of this vegetative buffer.

Mr. Kaiser, who owns the property directly across the street from the subject site, testified in favor of the Petition. He testified that the current driveway has not presented a problem in the past, and to require widening the driveway would require the removal of a portion of the existing shrubbery, which provides a desirable vegetative buffer between his property and the C & P Building adjoining the subject site.

Phyllis Friedman, Esquire testified that she is primarily concerned with the proposed use and how it would impact upon this neighborhood, particularly regarding vehicular safety.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

> 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App.

It is clear from the testimony that if the . riance is granted, in part, that such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variances were not granted in part. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted in part.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 4th day of January, 1969 that the Petition for a Zoning Variance from Section 409.4 (A) to permit a driveway 10 feet wide instead of the required 20 feet wide, in accordance with Petitioners' Exhibit 1, be and is hereb GRANTED IN PART, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

> 1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

The subject driveway shall be 14 feet in width from a point equal to the north edge of the existing stairs for the side porch to a point intersecting with the property line for Old Padonia Road.

3. A new hearing shall be required prior to the construction of any additions to the existing structure, the addition of an accessory structure or change in use of the subject property in a manner other than that represented at the hearing of this case.

4. The relief granted herein shall run to the Petitioners only and not to its successors in title. If the property, is to be sold or occupied by a party other than the Petitioners, a new hearing will be required prior to such conveyance or occupancy.

5. Neither construction materials or construction equipment, including company trucks, shall be stored or dispatched at the subject site.

> Zoning Commissioner for Baltimore County

cc: Peoples Counsel

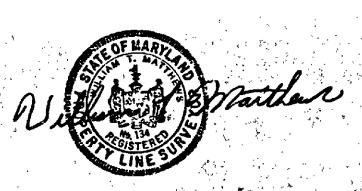
Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines January 4, 1990 Nancy E. Paige, Esquire 233 E. Redwood Street Baltimore, Maryland 21202 Dennis F. Rasmussen RE: PETITION FOR ZONING VARIANCE N/S Old Padonia Road, 325' W of the c/l of York Road (18 Old Padonia Road) 8th Election District - 3rd Councilmanic District 18 Old Padonia Road Partnership - Petitioner Case No. 90-205-A Dear Ms. Paige: Enclosed please find a copy of the decision rendered in the above-captioned mat* .. The Petition for Zoning Variance has been granted in part in accordance with the attached Order. In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391. Zoning Commissioner for Baltimore County JRH:bjs cc: People's Counsel

PETITION FOR ZONING VALIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section Section 409.4 (A) to permit a driveway 10 feet wide instead of the required 20 feet. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) This is an existing driveway serving an existing residence which is proposed to be converted to a Class "A" office building. The width varies from 10 feet to 20 feet at the entrance. Uniform widening to 20 feet is impossible because of the building location. Additionally, such widening would necessitate removal of mature vegetation, which provides landscaping and screening; and for such other reasons as will be presented at a hearing herein. Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County. I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Legal Owner(s): EXECUTE PROBLEM: 18 Old Padonia Road Partnership The Baltimore Rigging Co., Inc. Jacky Signature E. A. Haynes, fresident 9209 Philadelphia Road MTE 9.9.9 (Type or Print Name) Baltimore, MD 21237 Attorney for Petitioner: Nancy E. Paige (Type or Print Name) Hancept-taise Belto md 21237 233 E. Redwood Street Name, address and phone number of legal owner, contract purchaser or representative to be contacted altimore, MD 21202 City and State Attorney's Telephone No.: 301/576-4294

DESCRIPTION 18 OLD PADONIA ROAD KNOWN AS LOT 14 "PLAT OF LAND ROBERT H. BUSSEY" BALTO, CO. PLAT W.P.C. 4/155

Beginning for the same at the point formed by the intersection of the northeast side of Old Padonia Road, 30 feet wide and the division line between Lot 14 and Lot 15 as shown on the plat entitled "Plat of Land Belonging to Robert H. Bussey" and recorded among the Land Records of Baltimore County in rlat Book W.P.C. No.'4, Folio 155, said point of beginning being at a stone marked "B" and running thence binding on said division line between Lots 14 and 15, as now surveyed, North 06°- 01'- 06" East 200.00 feet to an iron pipe found; thence binding on the north outline of said Lot 14, as now surveyed, South 83 - 58 - 54 East 40.00 feet to a rebar set; thence binding on the northeast outline of said Lot 14, as now surveyed, South 18°- 36'- 06" East 220.00 feet to a rebar set and to the northeast side of said Old Padonia Road and thence binding on the northeast side of said Old Padonia Road, as now surveyed, North 83°- 58'- 54" West 131.65 feet to the place of beginning.

The hereinabove described parcel of land being known as Lot 14 as shown on the plat entitled "Plat of Land Belonging to Robert H. Eussey" and recorded among the Land Records of Baltimore County in Plat Book 2.P.C. No. 4, Folio 155.



of ______, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

Nancy E. Paige, Esquire 233 E. Redwood Street Baltimore, ND 21202

* REMERS

State Boods Country

Fire Prevention

. Wealth Department

Project Planning

Board of Education

Inning Administration

Sugrece of

RE: Item No. 63, Case No. 90-205-A Petitioner: 18 Old Padonia Road Prtnshp Petition for Zoning variance

Dear Ms. Paige:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of lans or problems with regard to the development plans that way have a bearing on this case. Director of Planning may lile a written report with the Zoning Commissioner with recommendations as to the suitability of the requested

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Zoning Plans Advisory Committee

JED: jw Enclosures

CC: Mr. E. A. Haynes, President The Baltimore Rigging Co., Inc. 9209 Philadelphia Road Baltimore, MD 21237

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353° J. Robert Haines



Your petition has been received and accepted for filing this 29th day of September, 1989.

Received By:

Petitioner: 18 Old Padonia Road Partnership Petitioner's Attorney: Nancy E. Paige



Maryland Department of Transportation State Highway Administration

Mr. J. Robert Haines

Zoning Commissioner County Office Building Towson, Maryland 21204

Attn: Mr. James Dyer

Re: Baltimore County Baltimore Rigging Co. Zoning Meeting of 8-22-89
N/S Old Padonia Road
325' West of York Road (MD 45) (Item #63).

Richard H. Trainor

Secretary Secretary

Hal Kassoff

Dear Mr. Haines:

After reviewing the submittal for a variance to permit a driveway 10' wide instead of the required 20', we offer the following comment.

The plan appears to show road improvements within State
Highway Administration right-of-way on York Road. Our only comment at this time is that all work within SHA right-of-way must be performed under a SHA access permit.

Approval for this highway work and a SHA access permit must be applied for prior to issuance of building permits. If you have any questions, please contact Larry Brocato at

... Very truly yours,

- Creston J. Mills, Jr., Chief Engineering Access Permits

cc: Baltimore Rigging Company Mr. J. Ogle

> My telephone number is (301) 333-1350 (Fax #333-1041) Teletypewriter for impaired Hearing or Speech 383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toli Free 707 North Calvert St., Baltimore, Maryland 21203-0717

Butumery County Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 438 Towner Maryland 2124 (201) 287-314

ZCNING OFFICE

August 25, 1989

Dennus F. Rasmussen County Executive

Mr. J. Robert Baines Zoning Greatssiones County Office Building Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no communits for items number 50, 56, 57, 59, 60, 61, 62, 463, 64, and 569.

Very virily yours. Michael S. Flanigan Traffic Engineer Associate II

KT/I/W

Baltimore County Fire Department Towson, Maryland 21204-2586 491-4500

Paul H. Reincke J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204



Legal Oner: 18 Old Padonia Rd. Ptn. Re: Property Owner: Tenant: The Baltimore Rigging Co., Inc. N/S of Old Padonia Road, 325' W of centerline of Location: York Road

Item No.:

Zoning Agenda: August 22, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- (X) 1. Fire hydrants for the referenced property are required and shall be located at intervals or 300 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at

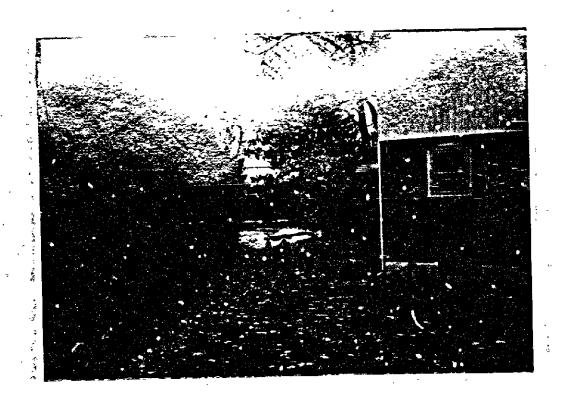
EXCEEDS the maximum allowed by the Fire Department.

- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

Special Inspection Division

PETITIONER(S) EXHIBIT (2)





C.R.G. plan was required. At that time, the applicant stated that there was a need to temporarily occupy the property until a permanent facility becomes available. If this remains the case, a 10 ft. wide driveway is not objectionable should some additional landscaping be provided as a site amenity. If it is the Petitioner's intent to use the property as an office on a permanent basis, a use in common agreement with the adjacent property is recommended in order to provide a wider driveway of 20 feet, if feasible. Additional landscaping is also needed if this site is improved for permanent office use. The plan submitted with the waiver shows permanent office use. The plan submitted with the waiver shows slightly less paving in the vicinity of the garage; that concept is

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

The Petitioner requests a Variance to permit a driveway 10 feet wide instead of the required 20 feet.

Based upon an analysis of the Petitioner's site plan and the information provided, staff offers the following comments:

A waiver of C.R.G. meeting was granted (W-89-11); however, a C.R.G. plan was required. At that time, the applicant stated that

DATE: November 14, 1989

J. Robert Haines

Zoning Commissioner

Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: Zoning Petition No. 205-A
18 Old Padonia Road Partnership, Item 63

PK:JL:ggl 2P205A

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Zoning Variance Case number: 90-205-A N/S of Old Padonia Road 325' W of ol of York Road

Variance: To permit a drive-way 10 feet wide instead of the

way 10 feet wide instead of the required 20 feet. So In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoring Commissioner will, however, entertain any request for a stay of the issuance of said permit during this

period for good cause shown.
Such request must be in writing
and received in the office by the
date of the hearing set above or
presented at the hearing.
NOTE:

(H "PHASE II" of the "SNOW
EMERGENCY PLAN" is in effect
in Bellimore County on the showle

J. ROBERT HAINES

CERTIFICATE OF PUBLICATION

TOWSON, MD., 70 2 19 89 THIS IS TO CERTIFY, that the annexed advertisement was

published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of ____ successive

THE JEFFERSONIAN.

District & W.	Date of Princip Morember 10, 198
Posted for: Yarrance	
Petitioner: 18 Old Padorus	Road Partnerships
Location of property: N.S. of Old Past	isona Farinasiya Inia Road, 325 W of els of York Road
18 Old Padona Road	· Day D 1 · D 1
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90-205-1

The Zening Commissioner of Bultimore County, by authority of the Zoning Ant and Republication of Bultimore County will hold a public hearing on the property identified human in Room 10g of the County Olice Building, to-leased at 111 W. Cheesprain Avenus in Terramon, Maryland \$1,004 as follower: Position for Zenting Vesterant
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CERTIFICATE OF PUBLICATION

TOWSON, MD. 701 2 , 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of ___ successive

N/S of Old Padonia Rd., 325° W

of C/L of York Rd. (18 Old Secretary OF BALTIMORE COUNTY Padonia Rd.) 8th Election District

EIGHTEEN OLD PADONIA ROAD PARTNERSHIP, Petitioner

ENTRY OF APPEARANCE

.

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notices should be sent of any hearing dates or other. proceedings in this matter and of the passage of any preliminary or fine Order.

People's Counsel for Baltimore County

3rd Councilmanic District

Peter Max Zimmerman Deputy People's Counsel Room 304, County Office Building Towson, Maryland 21204 887-2188

I HEREBY CERTIFY that on this 30th day of October, 1989, a copy of the foregoing Entry of Appearance was mailed to Nancy E. Paige, Esquire, 233 E. Redwood St., Baltimore, MD 21202, Attorney for Petitioner; and The Baltimore Rigging Co., Inc., E. A. Haynes, President, 9209 Philadelphia Rd., Baltimore, MD 21237, Tenant.

Company of the second s

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen County Executive

The Baltimore Rigging Company 9209 Philadelphia Road Baltimore, Maryland 21237

ATTN: E. A. HAYNES

Re: Petition for Zoning Variance CASE NUMBER: 90-205-A N/S of Old Padonia Road, 325' W of c/l of York Road 18 Old Padonia Road 8th Election District - 3rd Councilmanic

Legal Owner(s): 18 Old Padonia Road Partnership Tenant: The Baltimore Riccing Company. Inc. HEARING: WEDNESDAY, NOVEMBER 29, 1989 at 9:30 a.m.

Please be advised that \$139.34 is due for advertising and posting of the above captioned property.

Baltimore County Zoning Commisioner County Office Building SHOULD PUBLIC HEARING FLEG 000 -POSTING SIENS / ADVERTISING I X LAST NAME OF DUNERS 18 OLD PADOMIA

8 008**** 13934:a =288F

Please make checks payable to: Battimore Count

Baltimore County Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353

I. Robert Haines



The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as

NOTICE OF HEARING

Petition for Zoning Variance CASE NUMBER: 90-205-A N/S of Old Padonia Road, 325' W of c/l of York Road 18 Old Padonia Road 8th Election District - 3rd Councilmanic Legal Owner(s): 18 Old Padohia Road Partnership Tenant: The Baltimore Rigging Company, Inc. HEARING: WEDNESDAY, NOVEMBER 29, 1989 at 9:30 a.m.

Variance: To permit a driveway 10 feet wide instead of the required 20 feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

NOTE:

(If "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the Hearing will be postponed. In the event of snow, telephone B87-3391 to confirm hearing date.)

BALTIMORE COUNTY, MARYLAND

Nancy Paige, Esq.

GORDON, FYNBLATT, ROTHMUN, HOFFLERGER & HOLLANDER

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DISECT DIAL 301 576- 4294

ZOHIME OFFICE

August 9, 1989

J. Robert Heines Zoning Commissioner Baltimore County Office Building Room 100 111 M. Chesapeake Avenue Towson, Maryland 21204

Re: 18 Old Padonia Road Zoning Variances

Dear Commissioner Haines:

As we recently discussed, Baltimore Rigging Co., Inc. is most anxious to resolve outstanding zoning issues respecting the subject premises at 18 Old Padonia Road, so that it may complete interior renovation to permit occupancy for office use.

At the hearing on July 26, 1989, respecting requested yard variances to permit conversion of the existing residence to office use, we were advised for the first time, that the existing residential driveway is also in violation of zoning regulations. Since this condition was not previously recognized, it was not included in the July 26 hearing.

Baltimore Rigging Co., Inc. has applied for a permit to make interior renovations and this has been held subject only to the outcome of the variance hearing. The renovation permit is now subject to further delay, pending resolution of the driveway issue. We have today submitted an application for variance respecting the driveway. I therefore request that the Office of Zoning conditionally approve the renovation permit, subject to the outcome of the hearing on the driveway variance. If this the outcome of the hearing on the driveway variance. If this

GORDON, FEINBLATT, ROTHMAN, HOFFBERGER & HOLLANDER

J. Robert Haines August 9, 1989

variance is denied, Baltimore Rigging Co., Inc. understands that modification of the driveway will be required as a condition of a use and occupancy permit.

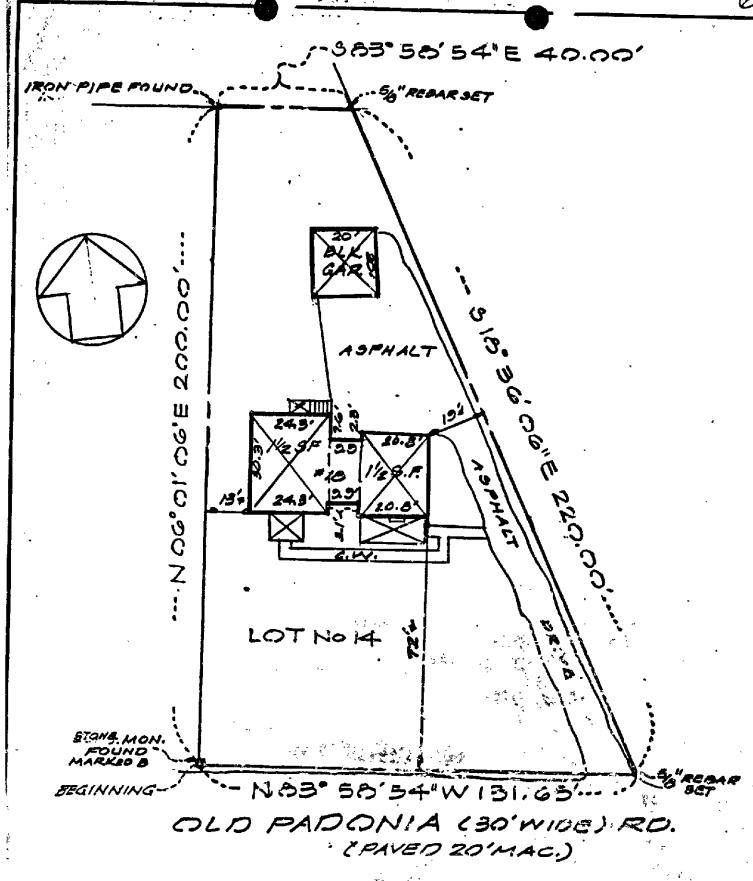
I have enclosed a proposed order on the yard variances and have included a condition recognizing the necessity for an additional variance on the driveway.

I appreciate your consideration of the foregoing and hope that it will meet with your approval.

Very truly yours,

NEP/ES Haines.ltr

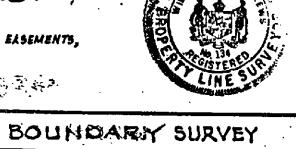
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AREA : 17165.00 3Q.FT. OR 0.3941 ACRE #

THE PROPERTY SHOWN HEREON IS SUBJECT TO ANY AND ALL EXSEMENTS, RIGHTS-OF-WAY AND/OR COVENANTS OF RECORD. We confidence of the property of the second the state of the second state of the second



SURVEYORS CERTIFICATE 1 HEREBY CERTIFY THAT THE POSITION OF ALL THE EXISTING IMPROVEMENTS SHOWN ON THE ABOVE DESCRIBED PROPERTY HAS BEEN CAREFULLY ESTABLISHED BY PIELD
SURVEY AND KAE LOCATED AS SHOWN.

18 OLD PADONIA ROAD

NAME WILLIAM T. MATTHEWS No. 154 LEDA KING-ARTHOIZ CT.

+ Item #63

OCCUPANCY FEE

JOS Nº 1000 REF.BALTO. CD

